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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

ERIK PRINCE,

Plaintiff,

vs.

THE INTERCEPT, et al.

Defendants.

Civil No. 20-cv-84-ABJ-KHR

**DEFENDANTS' MOTION TO DISMISS  
FOR LACK OF PERSONAL JURISDICTION AND  
FAILURE TO STATE A CLAIM**

Defendants The Intercept,<sup>1</sup> First Look Media Works, Inc. ("First Look"), Matthew Cole, and Alex Emmons (collectively, "defendants") respectfully move this Court pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), and Local Rule 7.1, to dismiss the Complaint filed by Plaintiff Erik Prince. As set forth more fully in the accompanying memorandum, this motion should be granted and the Complaint dismissed for any of the following, independent reasons:

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<sup>1</sup> The Intercept is the title of an on-line news publication owned by defendant First Look Media Works, Inc., not a separate entity subject to suit.

1. the Court lacks personal jurisdiction over these defendants, none of whom have any contacts with Wyoming, much less the sufficient minimum contacts required for the exercise of jurisdiction consistent with Due Process and Wyoming law;

2. the challenged statements in the defendants' published news article are not reasonably capable of the defamatory meaning Prince assigns to them;

3. the challenged statements are protected as opinion based on disclosed fact; *and*

4. Prince is a public figure who was required, but has failed, to plausibly plead that the defendants published the news article with "actual malice"—that is, with knowledge that the challenged statements are false or with reckless disregard of whether they are false or not.

WHEREFORE, defendants respectfully request that their motion be granted and the Complaint be dismissed.

Respectfully submitted,

BALLARD SPAHR LLP

By:

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